

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: STRAWBERRY HILL SUBDIVISION

Case Number: PLD2006-00037; SEP2006-00076

Location: 4403 NE 119th Street

Request: The applicant is proposing to divide approximately 2.21 acres in an R1-6 zoning district into 10 single-family residential lots utilizing the Tier I Infill provisions.

Applicant: Sterling Design
2208 E Evergreen Boulevard, Suite A
Vancouver, WA 98661
(360) 759-1794; (360) 759-4983 [Fax]
mail@sterling-design.biz

Contact Person: Joel Stirling
2208 E Evergreen Boulevard, Suite A
Vancouver, WA 98661
(360) 759-1794; (360) 759-4983 [Fax]
joel@sterling-design.biz

Property Owner: Marc and Lisa Distefano
19647 Monteano Lane
Yorba Linda, CA 92886

RECOMMENDATION **Approve subject to Conditions**

Team Leader's Initials: _____ **Date Issued:** June 7, 2006

Public Hearing Date: June 22, 2006

County Review Staff:

	<u>Name</u>	<u>Phone Extension</u>	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
Engineer: (Trans. & Stormwater)	David Bottamini	4881	david.bottamini@clark.wa.gov
Engineer: (Trans. Concurrency)	Richard Gamble, P.E.	4384	richard.gamble@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater)	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: UL

Zoning: R1-6

Parcel Number(s): Lot 98 (189843) located in the northeast quarter of Section 36; T3N; R1E of the Willamette Meridian.

Applicable Laws:

15.12 (Fire Code); 40.220.010 (Residential Districts); 40.260.110 (Residential Infill) 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.520.010 (Legal Lot Determination); 40.540.040 (Subdivisions); 40.550.020 (Variances); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

Sherwood Hills Neighborhood Association
Dick Durland, President
10525 NE Sherwood Drive
Vancouver, WA 98686
(360) 576-0981

Time Limits:

The application was determined to be fully complete on April 12, 2006 [See Exhibit 7]. Therefore, the County Code requirement for issuing a decision within 92 days lapses on July 13, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on August 10, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 10, 2005. The pre-application conference application was not sufficiently complete to qualify for Contingent Vesting. The application was determined Fully Complete on April 12, 2006, and thereby, vested on the Fully Complete submittal date of April 11, 2006. There are no disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant, Sherwood Hills Neighborhood Association and property owners within 300 feet of the site on April 26, 2006. One sign was posted on the subject property and two within the vicinity on June 7, 2006. Notice of the likely SEPA Determination and public hearing was published in the "Columbian" Newspaper on April 26, 2006.

Public Comments:

No comments have been received in response to public notice.

Project Overview

The subject 2.21 acre parcel is situated on the southeast corner of NE 119th Street and NE 43rd Avenue. An existing dwelling, detached garage, and a barn are currently located on the site. All structures will be removed prior to subdivision construction.

The applicant is proposing to divide the subject property into ten (10) single family residential lots. Parcels range in size from 6,051 square feet to 6,690 square feet.

The proposed plan [*Exhibit 5, Sheet 1*] calls for a newly constructed street, identified as NE 118th Street, running east from NE 43rd Avenue and ending in a temporary turnaround on an adjacent parcel. All proposed lots will take access from this new street.

The project site is located within Battle Ground School District, Fire District #5, and Park District #8.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	R1-6	Single Family Residential
North	Urban Low Density Residential	R1-6	Single Family Residential
East	Urban Low Density Residential	R1-6	Single Family Residential
South	Urban Low Density Residential	R1-6	Single Family Residential
West	Urban Low Density Residential	R1-6	Single Family Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:

Finding 1 – Infill Eligibility

The applicant is proposing to develop this subdivision under Tier I infill standards. Criteria for determining whether a parcel is eligible for such development are set forth in CCC 40.260.110(B). The subject 2.21 acre parcel qualifies to be reviewed under these

provisions in that it is a legal lot of record created prior to October 1, 2002, is located within an R1-6 zoning district, contains less than 2.5 acres, and has existing residential development on more than 50% of its non-street perimeter.

Finding 2 – Infill Standards

Standards for developing under Tier I infill provisions are set forth in CCC 40.260.110(G). Parcels resulting from the proposed land division must comply with the density standard prescribed by the R1-6 zone, which is 7.3–5.1 dwelling units per acre. In addition, Table 40.260.110-1 sets forth a minimum lot area of 4,500 square feet for detached single family dwellings. Lot width and depth requirements of the R1-6 zoning district do not apply to infill development.

Based on a review of the proposed plan, the subdivision has a projected density of 6.57 dwelling units per acre with an average lot size of 6,635 square feet. In addition, all proposed lots exceed the minimum lot size standard.

The maximum lot coverage by buildings constructed on individual lots is fifty percent (50%). Only detached single-family dwellings are allowed.

The applicable setbacks for each lot within a Tier I infill development are as follows:

- Front: 18 feet for garage door or carport entrance; 10 feet for other parts of the dwelling and detached accessory structures
- Side: 18 feet for garage door or carport entrance; 5 feet for other parts of the dwelling and detached accessory structures
- Rear: 18 feet for garage door or carport entrance; 5 feet for other parts of the dwelling and detached accessory structures; and 10 feet when rear yard is abutting parcels with existing single family dwellings

The subject 2.21 acre parcel is bordered on the south and east by lots which are currently developed with single family dwellings. Only proposed Lots 6 through 10, have a rear yard abutting these adjacent properties. As a result, the 10-foot rear setback applies only these lots. A plat note to identifying this requirement for these lots will be required (*See Condition D-5-a*).

Access to NE 119th Street will be prohibited, and a plat note to this effect will be required (*See Transportation Finding 3*). Therefore, the north property line of Lots 2 through 5 along this street frontage will be considered a rear yard. Therefore, a 5-foot setback is allowed even though the building envelope on the proposed plan shows a greater setback.

On NE 118th Street, the applicant is proposing a 29-foot public right-of-way within a 46-foot easement (*See Transportation Finding 3*). As a result, sidewalks along this frontage will be situated within the easement. Building setbacks will be measured from the edge of this sidewalk easement rather than the property line.

Building envelopes are identified on the preliminary plat for each lot within the proposed subdivision. Although no distances to property lines are noted, based on scale, it appears that said envelopes meet setbacks prescribed for infill development. To avoid

confusion at time of building permit issuance, however, a condition will be imposed that building envelopes are required to be shown on the final plat, and shall clearly identify distances to property lines (*See Condition D-1*).

CCC 40.260.110(F)(1) requires the applicable infill development standards be recorded as part of the Developer Covenant to Clark County. To ensure dwellings and other structures constructed on these resulting lots comply with the applicable setbacks and standards this requirement will be placed as a condition (*See Condition D-4-a*).

Finding 3 – Existing Structures

It is the applicant's intention to remove all structures from the premises prior to construction of the subdivision. In response to the SEPA notice, a letter from Southwest Clean Air Agency was received on May 3, 2006 [*Exhibit 11*]. This written correspondence states that asbestos inspection and abatement regulations apply to the demolition of existing structures on the site. It cites the applicable requirements and procedures to follow if an inspection reveals the presence of asbestos.

A condition will be imposed to ensure these buildings are removed, with the necessary permits, prior to final construction (*See Condition A-1*). In addition, the applicant will be required to comply with all applicable asbestos inspection and control regulation in accordance with procedures of the Southwest Clean Air Agency (*See Condition A-2*).

The SWCAA letter also recognizes that construction activities have the potential to generate dust nuisances related to the movement of equipment and material handling operations. It notes that all parties involved with the project are required to minimize dust through preventative measures, and that violations can result in penalties being assessed against the property owner or project operator.

In addition, an erosion and dust control plan is required by County Code. (*See Condition A-7*) County inspection staff will monitor erosion and control measures during construction activities.

Finding 4 – Fence Encroachments

A boundary survey for the site reveals discrepancies between established fence lines and actual property lines along the southern and eastern boundaries of the site. While this situation will have minimal impact on the proposed subdivision, it needs to be resolved prior to filing of the final plat. (*See Condition D-2*)

Finding 5 – Manufactured Homes

The applicant has not specifically indicated that manufactured homes may be placed on individual lots resulting from this proposed subdivision. As a result, pursuant to CCC 40.260.130A(2), manufactured homes are prohibited on any lot in this plat. (*See Condition D-5-b*)

Finding 6 – State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residences to public sewer and water, as well as treatment of any future increase of stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a

proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

Conclusion (Land Use): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

CRITICAL AREAS

Finding 1 – Contamination

In a letter dated May 10, 2006, the Washington Department of Ecology (DOE) indicates there are no known contaminated sites within a half mile radius of the *site [Exhibit 12]*. If contamination is discovered, however, it must be reported to Ecology's Southwest Regional Office.

The DOE letter also notes that any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also identifies several preventative measures to be taken to ensure such discharge does not occur during the course of construction.

The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal regulations. An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify DOE if contamination is discovered (*See Condition A-3*). As previously noted under Land Use Finding 3, an erosion and dust control plan is required by County Code (*See Condition A-7*). County inspection staff will monitor erosion and control measures during construction activities.

Conclusion (Critical Areas): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the critical area requirements of the Clark County Code.

TRANSPORTATION:

Finding 1 – Pedestrian/Bicycle Circulation Plan

According to the applicant, all of the proposed lots will take access from a new street extended into the site from NE 43rd Avenue. Sidewalks will be constructed on NE 119th Street at the time of site development with additional sidewalks on the internal street provided at the time of building construction. Sidewalks already exist along the NE 43rd Avenue frontage of the site. All sidewalk and driveway construction will meet ADA standards and ADA ramps will be constructed at time of site development.

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. As proposed, the development meets this requirement.

Finding 2 – Road Circulation Plan

Based on the current road configuration, and the proposed NE 118th Street which will provide future access to the east, this project complies with the circulation provisions contained in CCC 40.350.030(B)(2).

Finding 3 – Roads

NE 119th St. is classified as an “Urban Minor Arterial”. The applicant has provided the minimum intersection curb return radius of 35 feet and the right-of-way radius chord is at least 25 feet. Half-width frontage improvements are proposed on NE 119th St. including a minimum right-of-way width of 40 feet, a paved width of 23 feet, a sidewalk width of six feet, curb, and gutter. The minimum improvements are to be consistent with drawing number ten of the Standard Details Manual of Engineering Services. No direct driveway access will be allowed to this street (*See Condition D-5-f*).

NE 43rd Avenue is classified as an “Urban Local Residential Access” road. The required minimum half-width improvements for NE 43rd Avenue include a half-width right-of-way of 23 feet, a paved width of 14 feet, curb, and gutter. The applicant will dedicate the 23-feet of right-of-way, and indicates the minimum pavement width, sidewalk, curb, and gutter exist along the frontage of the subject site.

Proposed NE 118th Street is an “Urban Local Residential Access” road. The proposed plan shows a corresponding 29 foot right-of-way inside a 46-foot easement, a 28-foot paved width, sidewalks, curbs, and gutters. Each sidewalk, however, shall be located within a separate easement outside of the public right-of-way (*See Condition A-4-a*).

A temporary turnaround has been provided at the end of the proposed NE 118th Street. As proposed, it will be located on the adjacent parcel (tax account 189833) to the east. The applicant shall provide an agreement demonstrating that the owner of this lot agrees to allow the temporary turnaround and associated easement (*See Condition A-4-b*).

The proposed easement for the temporary turnaround does not extend into proposed lot #5 and/or into the public stormwater tract. The proposed easement associated with the temporary turnaround shall be extended to the public right-of-way to the north and south of NE 118th Street. CCC 40.350.030(B)(9)(b)(2) requires that removal of a temporary turnaround and extension of sidewalk shall be the responsibility of the developer who extends the road (*See Condition A-4-c*).

Finding 4 – Sight Distances

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, utility poles, and structures will not be allowed where required sight distance is impeded (*See Condition A-4-d*).

Conclusion (Transportation): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 1 – Concurrency

The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020.B.

Staff has determined that the additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Finding 2 – Safety

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6). The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Staff has reviewed signal warrants and turn lane warrants in the vicinity of the proposed development. Due to the relatively minimal impact from this proposed development, mitigation from the applicant is not justified. Therefore, further analysis and mitigation by the applicant are not required.

Conclusion (Concurrency): Based upon the development site characteristics, the proposed transportation plan, the requirements of the County’s transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Finding 1 – Applicability

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5,000 square feet of new impervious surface are exempt from CCC 40.380.040(b) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate road runoff may be deducted from area calculations. The proposed amount of new impervious area that will be created is greater than 5,000 square feet and therefore CCC 40.380.040(b) and CCC 40.380.040(C) apply.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal:

According to the applicant, there are small areas of contributing drainage from the south and east that have been accounted for within the design of the stormwater facilities. There is an existing stormwater easement that has been reserved to accommodate the contributing drainage from the south and the drainage from the east will be collected and conveyed to the onsite infiltration facility located just east and south of the proposed stormwater quality control facilities. Water quality and quantity control will be located in the southeast portion of the site within a publicly owned tract that will contain a StormFilter (Contech Stormwater Solutions) and drywells with infiltration pipe for quantity control. All future roof and footing drains will be directed to public onsite quality and quantity control facilities. A subsurface infiltration study was performed at the site to determine if the soils are suitable for utilizing infiltration with a tested rate of 42 inches per hour. The design calculations use a conservative design rate of 10 inches per hour. The stormwater facilities are also designed to allow for emergency overflow to an existing storm system located within the NE 43rd Avenue corridor. In order to accommodate future development to the east, the storm system has been designed for a conceptual development that is in the design process at this time. If this development does not move forward the onsite storm system will be extended to the east property boundary to allow for an emergency overflow for future development. Groundwater was not found during the subsurface infiltration study down to a depth of 20 feet.

According to the applicant, the infiltration systems located downstream of the subject site are linked together via emergency overflow pipes so that in the event that one system is taken offline or over capacity, the drainage will flow into the next system downstream. In the event that the emergency overflow system is required, the ultimate discharge point is to an open channel flow near to the I-205 freeway. It is not anticipated that this system will be utilized other than in an emergency situation.

Finding 3 – Analysis of the Stormwater Proposal:

The applicant is proposing to locate both the infiltration system and the conveyance system within a public stormwater easement. Per CCC 40.380.040(D)(7), public stormwater treatment and control best management practices for infiltration systems in urban residential subdivisions and short plats shall be located within public tracts. If the infiltration facilities are privately owned and maintained, they are allowed in a private easement. Conveyance systems may be placed within a stormwater easement that is at least 20 feet wide per CCC 40.380.040(C)(4)(I) (*See Condition A-6-a*).

The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The preliminary stormwater report indicates weighted CN values were used when determining a water quality design flow. CN values shall not be averaged when determining a water quality flow rate (*See Condition A-6-b*).

Staff does not find the infiltration test data provided in the infiltration testing report to be conclusive when the ground is likely to be saturated. However, substantial evidence is not available to show that infiltration in the proposed location of stormwater facility will not be feasible. Staff is also concerned that during grading activities, the native soil layers may be disturbed to the extent that design infiltration rates could not be achieved (See *Condition C-1*).

Because the proposed stormwater runoff disposal is by infiltration, it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system until site construction is complete and exposed soil surfaces are stabilized. In order to protect the infiltration facilities from plugging during the construction of the subdivision and homes within the proposed lots, all runoff shall be conveyed to an onsite sacrificial system or be contained by other approved methods until such time when the county inspection staff determines that the potential for plugging the infiltration system is minimized to the maximum extent possible (See *Condition F-1*).

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth of 4.0 inches. The 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches.

The proposed subdivision includes about 30,000 square feet of impervious area on the lots, about 25,000 square feet of asphalt road surface, and 6,600 square feet of sidewalk. The Natural Resource Conservation Service (NRCS) indicates the site to be underlain by Hillsboro silt loam (HoC). The soil is designated as hydrologic soil group "B". According to the Stormwater and Erosion Control Ordinance (CCC 40.380), the soils are typically not suitable for infiltration. The proposal indicates a curve number (CN) of 80 applies to the post developed pervious surfaces and a CN of 98 applies to the impervious surfaces that will be added as part of the proposed subdivisions.

Finding 4 – Site Conditions

Approximately 39% of the site has a slope of 0% to 5% and 58% of the site has a slope of 5% to 10%, and 3% of the site has a slope of 10% to 15%.

Conclusion (Stormwater): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office who can be reached at (360) 397-2375 x4095 or 3323. Information can also be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions, or if additional information is required, please contact Tom immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (*See Condition E-1*)

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information provided by the water purveyor indicates that the required fire flow is available at the site, estimated at 1,500 gpm.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated existing fire hydrant is adequate.

Finding 5 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (*See Condition A-10*)

Fire Protection Finding 6 - Fire Apparatus Turnarounds

Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus are adequate.

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

UTILITIES:

Finding 1 – Water and Sewer

Lots resulting from the proposed subdivision are required to connect to public water and sewer. The site will be served Clark Public Utilities for water while Clark Regional Wastewater District will provide sanitary sewer service. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to final plat approval, the applicant shall provide documentation from the utilities indicated that water and sewer connections have been installed and approved. (*See Condition D-3*)

Finding 2 – Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or

prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See *Condition A-11*)

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic (TIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Battle Ground School District with a SIF of \$3,000.00 per dwelling;
- Park District #8, with a PIF of \$1,800.00 per dwelling (\$1,360.00 for acquisition and \$440.00 for development);
- Hazel Dell sub-area with a TIF of \$1,423.54 per dwelling;

Impact fees shall be paid prior to issuance of building permits for each new lot (See *Conditions D-5-j and E-2*). If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 26, 2006 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**,

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Vicki Kirsher, (360) 397-2375, ext. 4178.
Susan Ellinger, (360) 397-2375, ext. 4272.

Responsible Official: Michael V. Butts

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>

RECOMMENDATION

Based upon the proposed preliminary plan [*Exhibit 5, Sheet 1*] and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1** Prior to demolition of structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division. *(See Land Use Finding 3)*
- A-2** The applicant shall comply with all applicable asbestos inspection and control regulations in accordance with procedures of the Southwest Clean Air Agency. *(See Land Use Finding 3)*
- A-3** Prior to any excavation and construction on the site, the applicant shall notify the contractors to be alert for contamination on the site. If contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office. *(See Critical Area Finding 1)*
- A-4 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
 - a.** Each sidewalk associated with proposed NE 118th Street shall be located within a separate easement outside of the public right-of-way. *(See Transportation Finding 3)*
 - b.** The applicant shall provide an agreement that demonstrating that the owner of the adjacent lot (tax account 189833) agrees to allow the temporary turnaround and associated easement. *(See Transportation Finding 3)*
 - c.** The proposed easement associated with the temporary turnaround shall be extended to the public right-of-way to the north and south of NE 118th Street. *(See Transportation Finding 3)*
 - d.** The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, utility poles, and structures will not be allowed where required sight distance is impeded. *(See Transportation Finding 4)*
- A-5 Transportation:**
 - a.** Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County

right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-6 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Per CCC 40.380.040(D)(7), public stormwater treatment and control best management practices for infiltration systems in urban residential subdivisions and short plats shall be located within public tracts. Public stormwater easements for conveyance systems shall be at least 20 feet wide per CCC 40.380.040(C)(4)(I). (*See Stormwater Finding 3*)
- b. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. CN values shall not be averaged when determining a water quality flow rate. (*See Stormwater Finding 3*)

A-7 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-8 Other Required Documents - The following documents shall be submitted with the Final Construction Plan:

- a. Developer's Covenant: A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

(Example: Deed dedicating required right-of-way)

A-9 Excavation and Grading - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

A-10 Fire Marshal Requirements - Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. *(See Fire Protection Finding 5)*

A-11 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. *(See Utilities Finding 2)*

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall **not** be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The

infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. (See *Stormwater Finding 3*)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** Building envelopes are required to be shown on the final plat, and shall clearly identify distances to property lines. (See *Land Use Finding 2*)
- D-2** Evidence shall be submitted demonstrating resolution regarding ownership of the narrow strip of land between established fence lines and actual property lines along the southern and eastern boundaries of the site. (See *Land Use Finding 4*)
- D-3** Prior to final plat approval, the applicant shall provide documentation from the utility purveyors indicating that water and sewer connections to the new lots have been installed and approved. (See *Utilities Finding 1*)
- D-4 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
 - a. Development on Infill Parcels:** All development on infill parcels created pursuant to Section 40.260.110 shall be subject to the standards for Infill Development. The following applicable Infill Development Standards shall be included in the Developer Covenants to Clark County: (See *Land Use Finding 2*)
 - 1.** Unless otherwise identified by a building envelope, the applicable setbacks for each lot as follows:
 - Front:** 18 feet for garage door or carport entrance; 10 feet for other parts of the dwelling and detached accessory structures
 - Side:** 18 feet for garage door or carport entrance; 5 feet for other parts of the dwelling and detached accessory structures
 - Rear:** 18 feet for garage door or carport entrance; 5 feet for other parts of the dwelling and detached accessory structures; 10 feet when rear yard is abutting parcels with existing single family dwellings
 - 2.** Only detached single-family dwellings are allowed.
 - 3.** The maximum lot coverage by buildings constructed on individual lots is fifty percent (50%).
 - b. Critical Aquifer Recharge Areas** - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department

of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

- c. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- d. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

D-5 Plat Notes - The following notes shall be placed on the final plat:

- a. A rear yard setback of 10 feet is required for Lots 6, 7, 8, 9, and 10 (See *Land Use Finding 2*).
- b. Mobile Homes: "Mobile homes are prohibited on all resulting lots created by this subdivision". (See *Land Use Finding 5*)
- c. Archaeological: "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- d. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- e. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

- f. Driveways: "No direct access is allowed onto the following streets: NE 119th Street."
- g. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- h. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."
- i. Temporary Turnaround: "The following party(s) is responsible for removal of the onsite temporary turnaround and construction of sidewalk in this location: _____."
- j. Impact Fees: "In accordance with CCC 40.610, except for one (1) lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$3,000.00 (Battle Ground School District), \$1,800.00 (\$1,360.00 - Acquisition; \$440.00 - Development for Park District #8), and \$1,423.54 (Hazel Dell TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

E	Building Permits
	Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Fire Protection Finding 2*).
- E-2 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
 - a. \$3,000.00 per dwelling for School Impact Fees (Battle Ground School District)
 - b. \$1,800.00 per dwelling for Park Impact Fees (\$1,360.00 – Acquisition; \$440.00 – Development for Park District #8);
 - c. \$1,423.54 per dwelling for Traffic Impact Fees (Hazel Dell TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Stormwater: All runoff from the site shall be conveyed to an onsite sacrificial system, a temporary sedimentation basin, or be contained by other approved methods until such time when the county inspection staff determines that the potential for plugging the infiltration system is minimized to the maximum extent possible. (See *Stormwater Finding 3*)

G	Development Review Timelines Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Appeal Filing Deadline:

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$266**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>